

§ 102.23

rights. No SBA office shall maintain a record describing how any individual exercises rights guaranteed by the First Amendment (e.g. speech), unless the maintenance of such record is:

- (1) Expressly authorized by statute, or
- (2) Expressly authorized by the individual about whom the record is maintained, or
- (3) Pertinent to and within the scope of an authorized law enforcement activity.

§ 102.23 Publication in the Federal Register—Notices of systems of records.

(a) *Notices of systems of records to be published in the Federal Register.* (1) The SBA shall publish in the FEDERAL REGISTER upon establishment or revision a notice of the existence and character of any new or revised systems of records. Unless otherwise instructed, each notice shall include:

- (i) The name and location of the system;
- (ii) The categories of individuals on who records are maintained in the system;
- (iii) The categories of records maintained in the system;
- (iv) Each routine use of the records contained in the system, including the categories of users and the purpose of such use;
- (v) The policies and practices of the office regarding storage, retrievability, access controls, retention, and disposal of the records;
- (vi) The title and business address of the SBA official who is responsible for the system of records;
- (vii) A statement that SBA procedures allow an individual, at his or her request, to determine whether a system of records contains a record pertaining to him or her, to review such records and to contest or amend such records, located in sections 102.25 through 102.29 of these regulations.

(viii) A statement that such requests may be directed to the SBA's FOI/PA Office, 409 3rd St., SW., Washington, DC 20416 or faxed to 202-205-7059; and

(ix) The categories of sources of records in the system.

(2) Minor changes to systems of records shall be published annually.

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(b) *Notice of new or modified routine uses to be published in the Federal Register.* At least 30 days prior to disclosing records pursuant to a new use or modification of a routine use, as published under paragraph (a)(1)(iv) of this section, each SBA office shall publish in the FEDERAL REGISTER notice of such new or modified use of the information in the system and provide an opportunity for any individual or persons to submit written comments.

§ 102.24 Requests for access to records.

(a) *How made and addressed.* An individual, or his or her legal guardian, may make a request for access to an SBA record about himself or herself by appearing in person or by writing directly to the SBA office that maintains the record or to the FOI/PA Office by mail to 409 3rd St., SW., Washington, DC 20416 or fax to 202-205-7059. A request received by the FOI/PA Office will be forwarded to the appropriate SBA Office where the records are located.

(b) *Description of records sought.* A request for access to records must describe the records sought in sufficient detail to enable SBA personnel to locate the system of records containing them with a reasonable amount of effort. A request should also state the date of the record or time period in which the record was compiled, and the name or identifying number of each system of records in which the requester believes the record is kept. The SBA publishes notices in the FEDERAL REGISTER that describe its systems of records. A description of the SBA's systems of records also may be found at <http://www.sba.gov/foia/systemrecords.doc>.

(c) *Verification of identity.* Any individual who submits a request for access to records must verify his or her identity. No specific form is required; however, the requester must state his or her full name, current address, and date and place of birth. The request must be signed and the requester's signature must either be notarized or submitted under 28 U.S.C. 1746. This law permits statements to be made under penalty of perjury as a substitute for notarization, the language states: